

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

In re:	Chapter 11
AEROGROUP INTERNATIONAL, INC., et al.,	Bk. Case No. 17-11962 (CSS)
Debtors.	Adv. Pro. No. 18-50715 (CSS)
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POLK 33 LENDING, LLC,	
	Appellant,
v.	C. A. No. 19-1269-MN
AEROGROUP INTERNATIONAL, INC., et al.; THE CORPORATE FINANCE, INC.; GBG USA INC.,	
	Appellees.

**RECOMMENDATION**

At Wilmington this **19<sup>th</sup> day of August , 2019.**

WHEREAS, pursuant to paragraph 2(a) of the Procedures to Govern  
Mediation of Appeals from the United States Bankruptcy Court for this District dated  
September 11, 2012, the court conducted an initial review, which included information  
from counsel, to determine the appropriateness of mediation in this matter;

WHEREAS, as a result of the above screening process, the issues  
involved in this case are not amenable to mediation and mediation at this stage would  
not be a productive exercise, a worthwhile use of judicial resources nor warrant the  
expense of the process.

In this appeal, appellant, Polk 33 Lending, LLC, challenges the final Order Granting Debtor' Motion for Stay Pending Appeal, which was entered June 24, 2019 by the Bankruptcy Court under abuse of discretion. Although the parties have not previously nor presently engaged in mediation or any other ADR process, neither believe that mediation would resolve the appeal issue nor assist in resolution of the issues on appeal. Both request that the matter be removed from mandatory mediation and propose the following briefing schedule for this appeal:

1. Appellant's Opening Brief due 30 days after entry of the order of withdraw from mandatory mediation
2. Appellee's Answering Brief due 30 days after the filing of Appellant's brief.
3. Appellant's Reply Brief due 21 days thereafter.

THEREFORE, IT IS RECOMMENDED that, pursuant to paragraph 2(a) Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. The parties have the right to file objections to this Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B), FED. R. CIV. P. 72(a) and D. DEL. LR 72.1. However, since this Recommendation is consistent with the parties' request, no objections are anticipated.

Local counsel are obligated to inform out-of-state counsel of this Order.

/s/ Mary Pat Thyng  
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Chief U.S. Magistrate Judge